

Remarks

Applicant has amended claim 1, cancelled claim 16, and added new claims 17-21. Applicant respectfully submits that no new matter was added by the amendment, as all of the amended matter was either previously illustrated or described in the drawings, written specification and/or claims of the present application. Entry of the amendment and favorable consideration thereof is earnestly requested.

Applicant has amended claim 1 and added claim 20 each of which requires a recess which is provided in the instrument body and which comprises a collar forming an undercut in at least one partial region of the recess, the collar having an inside diameter that is smaller than a length and a width of said recess. In addition, applicant has added new claim 17 which includes among other elements a recess provided in said instrument body including a collar having a length L_K and a width B_K forming an undercut in at least one partial region of the recess, said recess having a length L_H and a width B_H , where L_H is greater than L_K and B_H is greater than B_K .

Applicant respectfully submits that none of the cited prior art shows a collar having an inside diameter that is smaller than a length and a width of said recess or a collar having a length L_K and a width B_K and a recess having a length L_H and a width B_H where L_H is greater than L_K and B_H is greater than B_K . The Examiner has cited the '423 patent as teaching an opening having a dimension that is smaller than a length of the recess. However, the '423 patent fails to teach, disclose or suggest an opening having a dimension that is smaller than a width of the recess. Rather the '423 patent teaches that the opening is the same size as a width of the recess (FIGS. 4-6) within which strain gauges 16a-16d are centered. (FIG. 8; col. 4, lines 24-27). Applicant further respectfully submits that neither the '109 patent nor the '380 patent teach, disclose or suggest this limitation.

Therefore because none of the cited prior art teaches, discloses or suggests a recess which is provided in the instrument body and which comprises a collar forming an undercut in at least one partial region of the recess, the collar having an inside diameter that is smaller than a length and a width of said recess as required by claim 1, none of the cited prior art in any combination can render claim 1 obvious.

Further because none of the cited prior art teaches, discloses or suggests a recess provided in said instrument body including a collar having a length L_K and a width B_K forming an undercut in at least one partial region of the recess, said recess having a length L_H and a width B_H , where L_H is greater than L_K and B_H is greater than B_K as required by claim 17, none of the cited prior art in any combination can render claim 17 obvious.

In addition, claim 20 requires among other elements an embedding medium encapsulating and forming a body around the data carrier such that the data carrier is decoupled from the instrument body wherein any mechanical or thermal load acting upon the instrument body is not directly transferred to the data carrier. The '423 patent fails to teach, disclose or suggest this limitation but instead teaches use of a pressure transducer utilizing strain gauges with a pressure on the upper side communicating with a reference pressure on an opposite side. (FIG. 3; col. 4, lines 11-28). The '423 patent teaches away from this limitation because if the pressure transducer were decoupled as required by claim 20, it would not function correctly. Rather than being decoupled as required by claim 20 the '423 patent teaches that "a hard material such as epoxy resin, is not suitable for the protecting member 22, since, if used, it rigidly fixes the position of the pressure sensor." (col. 6, lines 39-48). In addition, it would not be obvious to combine the '423 patent with the '109 patent because the '423 patent teaches away from decoupling the data carrier.

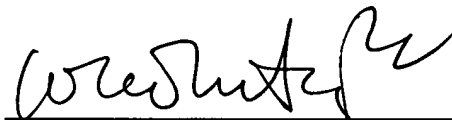
Therefore because the '423 patent fails to teach, disclose or suggest but instead teaches away from an embedding medium encapsulating and forming a body around

the data carrier such that the data carrier is decoupled from the instrument body wherein any mechanical or thermal load acting upon the instrument body is not directly transferred to the data carrier as required by claim 20, any combination of the '423 patent with the '109 patent would not be obvious.

It is respectfully submitted that claims 1, 4, 5, 8, 9, 11-14 and 17-21 all of the claims remaining in the application, are in order for allowance, and early notice to that effect is respectfully requested.

Respectfully submitted,

November 17, 2005



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